

FITZPATRICK, CELLA, HARPER & SCINTO

650 Town Center Drive, Suite 1800
Costa Mesa, California 92626
(714) 540-8700

Facsimile (714) 540-9823

FACSIMILE COVER SHEET

TO: U.S. Patent & Trademark Office
Central Facsimile

FROM: Edward A. Kmetz (Reg. No. 42,746)

RE: U.S. Application No. 09/817,300
Attn: Examiner H. El Chanti
Group Art Unit 2157
Atty. Docket No. 03500.015221

FAX NO.: (703) 872-9306

DATE: April 25, 2005

NO. OF PAGES: 4
(including cover page)

TIME: 2:58

SENT BY: *EK*

MESSAGE

Transmitted herewith is a Request For New Office Action in response to the Office Action dated March 25, 2005.

I hereby certify that this correspondence is being facsimile transmitted to: Commissioner for Patents, P.O. Box 1350, Alexandria, VA 22313-1450 on:

April 25, 2005

(Date of Transmission)

BEST AVAILABLE COPY

Edward A. Kmetz (Reg. No. 42,746)
(Name of Attorney for Applicant)

Edward A. Kmetz
Signature

April 25, 2005

Date of Signature

**IF YOU DO NOT RECEIVE ALL THE PAGES
PLEASE CALL 714-540-8700 AS SOON AS POSSIBLE**

Note: We are transmitting from a Canon Model FAX-E770
(compatible with any Group I, Group II or Group III machine).

THIS FACSIMILE MESSAGE AND ACCOMPANYING DOCUMENTS ARE INTENDED ONLY FOR THE USE OF THE ADDRESSEE INDICATED ABOVE. INFORMATION THAT IS PRIVILEGED OR OTHERWISE CONFIDENTIAL MAY BE CONTAINED THEREIN. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, REVIEW OR USE OF THIS MESSAGE, DOCUMENTS OR INFORMATION CONTAINED THEREIN IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE OR FACSIMILE AND MAIL THE ORIGINAL TO US AT THE ABOVE ADDRESS. THANK YOU.

APR 25 2005

03500.015221

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
MASANORI KAWASHIMA) Examiner: H. El-chanti
Application No.: 09/817,300) Group Art Unit: 2157
Filed: March 27, 2001)
For: NETWORK MANAGEMENT)
METHOD FOR PROVIDING)
DEVICE LIST AND)
NETWORK MANAGEMENT)
DEVICE TO PROVIDE)
DEVICE LIST) April 25, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR NEW OFFICE ACTION

Sir:

This is a request under MPEP § 710.06 for a new Office Action, in substitution of and replacement for the Office Action dated March 25, 2005. As described below, the Office Action fails to address each of the claims as currently pending in the

I hereby certify that this correspondence is being facsimile transmitted to:
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
on

April 25, 2005
(Date of Transmission)

Edward A. Kmetz (Reg. No.: 42,746)
(Name of Attorney for Applicant)


Signature

April 25, 2005
Date of Signature

application and therefore, does not provide Applicant with sufficient information as is needed to determine whether to continue prosecution of the application. See 35 U.S.C. §132.

In more detail, the Office Action Summary indicates that all of Claims 1 to 52 are rejected. However, pages 3 to 6 of the Office Action, which provide a detailed basis for rejection of the claims, utilize language inconsistent with the amendment dated October 1, 2004 when rejecting Claims 1 to 52. Consequently, the specific reasons for the rejection are unclear since they do not address the language of the amended claims. For example, repeated reference is made in the Office Action to an "obtaining step," but this language was amended to a "designated step" in the October 1, 2004 amendment. Accordingly, Applicant fails to understand which portions of the applied references the Office Action is relying upon to reject the claims.

For the foregoing reasons, the Office Action dated March 25, 2005 is believed to be fatally defective in that it does not provide the Applicant with sufficient information to judge the propriety of continuing prosecution, and indeed does not provide enough information to determine the actions that actually have been taken by the USPTO. Therefore, a new Office Action is respectfully requested.

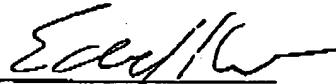
Additionally, inasmuch as this Request is being submitted within one month of the mailing date of the Office Action, it is also respectfully requested that the period for responding to the Office Action be restarted commencing with the mailing date of the new Office Action, or the mailing date of any paper responsive to this paper.

As a formal matter, Applicant notes that the Examiner has not yet provided an indication that the certified copy of the priority document, which was submitted to the Patent Office on June 21, 2001, has been received. Accordingly, the Examiner is requested

to provide such an indication in the new Office Action.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



Edward A. Kmett
Attorney for Applicant
Registration No. 42,746

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-2200
Facsimile: (212) 218-2200

CA_M/JN 84904v1